

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
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 Kishore *et al.*) Art Unit: 1651
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 Application No.: 10/552,568) Examiner: Susan M. Hanley
)
 Filing Date: August 2, 2006) Confirmation No.: 2536
)
 For: COMPOSITIONS AND METHODS)
 RELATED TO PRODUCTION OF)
 ERYTHROPOIETIN)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BALLARD SPAHR LLP
Customer Number 23859

May 20, 2011

Dear Sir:

Pursuant to the requirements of 37 C.F.R. § 1.56, Applicants now submit a list of documents known to Applicants or Applicants' attorneys. Applicants have not included copies of cited U.S. patents or published U.S. patent applications. But, pursuant to 37 C.F.R. § 1.98(a)(2)(iv), and for the Examiner's review, Applicants have enclosed copies of the following: (1) non-patent publications and (2) documents from the prosecution of U.S. patent applications.

Regarding category (2), documents from the prosecution of patent applications, Applicants note that 37 C.F.R. § 1.98(b) does not mention, and thus does not require, that Applicants provide any particular set of identifying information. While 37 C.F.R. § 1.98(a)(1) requires Applicants to provide a list of such documents, it does not require Applicants to include in that list specific identifying information. 37 C.F.R. § 1.98(a)(2)(iv) further requires Applicants

to provide a copy of such documents. Thus, the rules do not require that Applicants provide any particular set of information about the documents in category (2) prior to the Examiner's consideration of all the cited information. Nevertheless, in order to be as helpful as possible, Applicants have provided (a) information regarding the source of the documents, and (b) a title or description of each document. The prosecution record of either a related domestic or foreign patent application is the source for each document. Accordingly, in the list required by 37 C.F.R. § 1.98(a)(1), Applicants have provided information about the source of each document. The information provided mirrors the requirements for cited foreign patent applications and U.S. patent applications as set forth by 37 C.F.R. § 1.98(b). The enclosed Form PTO/SB/08b lists these documents, provides identifying information, and includes a column for the Examiner's initials. For at least these reasons, Applicants respectfully request consideration of all documents submitted in the present Supplemental Information Disclosure Statement and List and entry into the record for the present application (Application Serial No. 10/552,568).

This Supplemental Information Disclosure Statement is believed to be filed in a timely manner pursuant to 37 C.F.R. §1.97(c)(1) and (e)(2).

Applicants hereby certify that no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of Applicants after making reasonable inquiry, no item of information contained in this Supplemental Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Consideration of the cited documents and making the same of record in the prosecution of the above-referenced application (U.S. Serial No. 10/552,568) are respectfully requested.

**ATTORNEY DOCKET NO. 21101.0040U2
APPLICATION NO. 10/552,568**

No fee is believed due; however, the Commissioner is hereby authorized to charge to
Deposit Account No. 14-0629 any fees that may be required.

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8			
I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below.			
Name of Person Mailing (Print/Type)	Scott D. Marty, J.D., Ph.D.		
Signature	/Scott D. Marty, Reg. No. 53,277/	Date	May 20, 2011